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VIA FACSIMILE

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 118
White Plains, New York 10601-4150

Re: *In re Veeco Instruments Inc. Sec. Litig.*, 05 MD 1695 (CM)(GAY)

Dear Judge Yanthis:

I am counsel for Defendants in the above-referenced matter. I submit this letter to advise the Court that Lead Plaintiff has refused to make its damages expert, Dr. Steven Feinstein, available for deposition. As detailed below, Lead Plaintiff's only apparent basis for refusal is that the deadline for expert discovery, May 11, 2007, is about to pass. However, this position is inconsistent with Lead Plaintiff's own stated desire to extend the deadline for expert discovery for purposes of deposing the parties' respective *accounting* experts.

Defendants will be substantially prejudiced absent an opportunity to depose Dr. Feinstein prior to trial as they are entitled to do pursuant to Fed. R. Civ. P. 26(b)(4)(A). We therefore respectfully request that Your Honor enter an order requiring Lead Plaintiff to produce Dr. Feinstein for deposition, and extending the deadline for expert discovery until May 31, 2007 (or earlier if Your Honor desires), so that the parties may agree upon mutually convenient dates to depose all experts.

It is clear that Lead Plaintiff, for some unexplained reason, files discovery extensions for some purposes (i.e., accounting witnesses), but is fearful of them for others (i.e., damages witnesses). This behavior is neither fair nor constructive.

Application denied. The request is untimely. Moreover, Judge McMahon will be and the undersigned have made it clear that there will be no extension of the May 11, 2007 discovery deadline. George A. Yanthis, U.S.M.J., 5/11/07
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